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Bureau of Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE
425 Eye Street N.W.
BCIS, AAO, 20 Mass, 3/F
Washington, D.C. 20536

JUL 21 2003

File:

Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant:

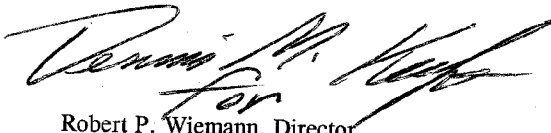
Application:

Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by Life Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

IN BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

Attached is the decision rendered on your appeal. The file has been returned to the Service Center that processed your case. If your appeal was sustained, or if your case was remanded for further action, the Service Center will contact you. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.


for
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, National Benefits Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director concluded the applicant had not established that he had applied for class membership in any of the requisite legalization class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On appeal, the applicant stated that he was eligible for adjustment of status under the LIFE Act. According to the applicant, all of the documentary evidence for his eligibility was submitted and he therefore deserves a hearing. The applicant stated that further evidence will be submitted upon request.

A request for a hearing must set forth facts explaining why such a hearing is necessary to supplement the appeal. 8 C.F.R. 103.3(b). The request fails to set forth facts explaining why such a hearing is necessary, and the request must therefore be denied.

An applicant for permanent resident status under the LIFE Act must establish that before October 1, 2000, he or she filed a written claim with the Attorney General for class membership in any of the following legalization class-action lawsuits: *Catholic Social Services, Inc. v. Meese*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993).

The applicant failed to submit any documentation addressing this requirement when the application was filed. Furthermore, he has not provided any documentation regarding that point on rebuttal or on appeal. The applicant did submit a statement on rebuttal in which he claimed that he "attempted on several occasions to file for CSS (Catholic Social Services)." There is no evidence however, in any Bureau record, that the applicant filed a claim to membership in CSS or either of the other two lawsuits. Given his failure to document that he filed a written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

In addition, it should be noted that the applicant indicated on his Form I-485 Application to Register Permanent Resident or Adjust Status that he last entered the United States on December 14, 1988. Pursuant to 8 C.F.R. § 245a.11(b), each applicant must demonstrate that he or she entered the United States prior to January 1, 1982. The applicant offers no evidence of any earlier entry into this

country. Furthermore 8 C.F.R. § 245A.11(c) requires each applicant to demonstrate that he or she has been continuously physically present in the United States during the period beginning on November 6, 1986, and ending on May 4, 1988. It appears that the applicant is also unable to meet either of these requirements.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.